

Filed for intro on 02/06/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB0600  
By Herron

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to prosecution of the offense of driving under the influence of an intoxicant..

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 4 is amended by adding the following as a new, appropriately designated section:

( ) (a) Notwithstanding any other provision of law to the contrary, in determining whether a person accused of violating the provisions of Tennessee Code Annotated, Section 55-10-401, is a subsequent offender, the district attorney general may charge, indict and prosecute, and the court may sentence, such person based upon the number of convictions for violating such section as are listed in his or her motor vehicle record maintained in the department of safety's driver history database.

(b) Any conviction for a motor vehicle violation appearing on such certified record of such driver shall be admissible in evidence and shall constitute prima facie evidence of the existence and validity of such prior conviction.

(c) Provided, however, if the district attorney intends to use the motor vehicle record as proof of the prior convictions, the district attorney shall file a notice thereof with the court and the defendant not less than twenty (20) days before trial or acceptance of a guilty plea. Such notice must set forth the dates of the conviction(s) and the identity of the courts of the conviction(s). Should the defendant deny any of the relevant convictions through a sworn, written statement filed with the court and the district attorney not less than ten (10) days before trial or acceptance of plea, then the district attorney may not rely upon the motor vehicle record as proof of those convictions denied.

(d) Each conviction for violating Tennessee Code Annotated, Section 55-10-401 listed on such person's motor vehicle record is, for purposes of enhanced punishment as a multiple offender, considered a prior conviction regardless of how it is listed on such record.

SECTION 2. This act shall take effect July 1, 1993, the public welfare requiring it.